

## PART I - GENERAL PERMIT CONDITIONS

### I.A. EFFECT OF PERMIT

The Permittee is allowed to store and treat hazardous waste in accordance with the conditions of this permit. Any storage or treatment of hazardous waste not authorized in this permit is prohibited. Subject to 40 CFR § 270.4, compliance with this permit generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA, NRS 459.400 through 459.600 and NAC 444.842 through 444.8746 and NAC 444.960 and with the Hazardous and Solid Waste Amendments (HSWA). Issuance of this permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, NRS 459.400 through 459.600, or any other law providing for protection of public health or the environment. [40 CFR §§ 270.4 and 270.30(g)]

### I.B. PERMIT ACTIONS

#### I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR §§ 270.41, 270.42, and 270.43. The filing of a request for a permit modification or revocation and reissuance, termination of a permit, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.[40 CFR §§ 270.4(a) and 270.30(f)]

#### I.B.2. Permit Renewal

This permit may be renewed as specified in 40 CFR § 270.30(b) and Permit Condition I.E.2. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [HSWA Sec. 212]

### I.C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [40 CFR § 124.16(a)]

I.D. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in NAC 444.842 through 444.8746, NAC 444.960, 40 CFR Part 124, and 40 CFR Parts 260 through 270, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. "Administrator" means the Administrator of the Nevada Division of Environmental Protection, or his designee or authorized representative.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [40 CFR § 270.30(a)]

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the Permittee shall submit a new permit application at least 180 days prior to permit expiration.[40 CFR §§ 270.10(h) and 270.30(b)]

I.E.3. Permit Expiration

Pursuant to NRS 459.520(4) this permit shall be effective for a term not to exceed five years. As long as NDEP is the permit-issuing authority, this permit and all conditions herein will remain in effect beyond the permit's expiration date, if the Permittee has submitted a timely, complete application (see NAC 444.8632 and 40 CFR §§ 270.10 and 270.13 through 270.29) and, through no fault of the Permittee, the Administrator has not issued a new permit, as set forth in 40 CFR § 270.51.

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR § 270.30(c)]

I.E.5. Duty to Mitigate

In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to

prevent significant adverse impacts on human health or the environment. [40 CFR § 270.30(d)]

I.E.6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all waste management units and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this permit. [40 CFR § 270.30(e)]

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit. [40 CFR §§ 264.74(a) and 270.30(h)]

I.E.8. Inspection and Entry

Pursuant to NAC 444.8632 and 40 CFR § 270.30(i), the Permittee shall allow the Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- I.E.8.a. Enter at reasonable times upon the Permittee's premises where a regulated unit or activity is located or conducted, or where records must be kept under the conditions of this permit;
- I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- I.E.8.c. Inspect at reasonable times any units, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by NRS 459.400 through 459.600, for any substances or parameters at any location.

I.E.9. Monitoring and Records

- I.E.9.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method

approved by the Administrator. Laboratory methods must be those specified in EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," as incorporated by reference in 40 CFR § 260.11, or an equivalent method approved by the Administrator. [40 CFR § 270.30(j)(1)]

I.E.9.b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports and records required by this permit, the certification required by 40 CFR § 264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility. [40 CFR §§ 264.74(b) and 270.30(j)(2)]

I.E.9.c. Pursuant to 40 CFR § 270.30(j)(3), records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individual(s) who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The individual(s) who performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

I.E.10. Reporting Planned Changes

The Permittee shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted hazardous waste management units at the Facility. [40 CFR 270.30(l)(1)]

I.E.11. Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Administrator of any planned changes or activities at the Facility which may result in noncompliance with permit requirements. [40 CFR § 270.30(l)(2)]

I.E.12. Transfer of Permits

This permit is not transferable to any person except after notice to the Administrator. The Administrator may require modification or revocation and reissuance of the permit to change the name of the Permittee pursuant to 40 CFR § 270.40. Before transferring ownership or operation of the Facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and NAC 444.842 through 444.8746 and

444.960 and this permit. [40 CFR §§ 270.30(l)(3) and 264.12(c)]

**I.E.13. Twenty-Four Hour Reporting**

I.E.13.a. The Permittee shall report to the Administrator any noncompliance which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:

- i. Information concerning release of any hazardous waste that may endanger or degrade existing or potential drinking water supplies within or outside the Facility.
- ii. Any information of a release of hazardous waste, or of a fire or unplanned explosion from a hazardous waste management unit within the Facility which could threaten the environment or human health within or outside the Facility.

I.E.13.b. The description of the occurrence and its cause shall include:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the Facility;
- iii. Date, time, and type of incident;
- iv. Name and quantity of materials involved;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health, where this is applicable; and
- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.13.c. A written submission shall also be provided within fifteen days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance including exact dates and times, whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. [40 CFR § 270.30(l)(6)]

**I.E.14. Other Noncompliance**

The Permittee shall report all other instances of noncompliance not otherwise required to be reported in permit conditions I.E.12. and I.E.13 at the time monitoring reports are submitted. The reports shall contain the information listed in permit condition I.E.13. [40 CFR § 270.30(l)(10)]

**I.E.15. Other Information**

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit

application, or submitted incorrect information in the permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or information.

[40 CFR § 270.30(l)(11)]

## **I.F. LAND DISPOSAL RESTRICTIONS**

### **I.F.1 General Waste Restrictions**

I.F.1.a. The Permittee shall not store any nonradioactive hazardous waste restricted from land disposal under Subpart C of 40 CFR Part 268, except for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper treatment or disposal. Each container of nonradioactive restricted hazardous waste must be clearly marked to identify its contents and the date accumulation begins. The Permittee may store such wastes beyond one year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

I.F.1.b. "Restricted waste" means any hazardous waste restricted from land disposal under the authority of Section 3004 of RCRA or regulated by 40 CFR Part 268. Non-restricted waste mixed with restricted waste becomes restricted waste and must meet the applicable standards of 40 CFR Part 268.

I.F.1.c. The Permittee shall not in any way dilute a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268 Subpart D, to circumvent the effective date of prohibition in 40 CFR Part 268 Subpart C, or to circumvent a land disposal prohibition imposed by RCRA Section 3004.

I.F.2. Condition I.F.1. does not apply to wastes which are the subject of an approved petition under 40 CFR § 268.6, or a nationwide variance contained in Subpart C of 40 CFR Part 268, or an approved extension under 40 CFR § 268.5.

I.F.3. Condition I.F.1. does not apply to wastes which meet the treatment standards specified under 40 CFR §§ 268.41, 268.42, or 268.43, or to wastes which are in compliance with the applicable prohibitions specified in 40 CFR § 268.31 or in Section 3004 of RCRA.

### **I.F.4 Agreements & Consent Orders**

I.F.4.a. The Settlement Agreement for Transuranic (TRU) Mixed Waste Storage Issues at the Nevada Test Site (NTS) between the Nevada Division of Environmental Protection and the United States Department of Energy (DOE) is hereby incorporated by reference as the conditions under which the Permittee shall store restricted Transuranic mixed waste.

I.F.4.b The Federal Facility Compliance Act Consent Order (FFCA CO) and the Site Treatment Plan (STP) are hereby incorporated by reference as the conditions under which the Permittee shall schedule the characterization and disposal of the restricted Transuranic mixed waste.

I.F.4.c The Mutual Consent Agreement for the Storage of Low Level Land Disposal Restricted (LDR) Mixed Waste between the Nevada Division of Environmental Protection and the United States Department of Energy Nevada Operations Office (DOE/NV) is hereby incorporated by reference as the conditions under which the Permittee shall store restricted low level mixed waste until such time that the Mutual Consent Agreement is modified or a low level mixed waste storage unit is permitted by NDEP.

I.F.5. Record-keeping Requirements

I.F.5.a. The Permittee shall maintain, in the operating record, records and results of waste analysis performed, as required by 40 CFR § 268.7.

I.F.5.b. The Permittee shall maintain, in the operating record, documentation that they have complied with the notification and certification requirements of 40 CFR § 268.7 for all hazardous wastes which are sent off-site.

I.G. WASTE MINIMIZATION

Pursuant to 40 CFR § 264.73(b)(9), the Permittee shall include a certification in the Facility operating record, no less often than annually, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that it generates, to the degree determined to be economically practicable; and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. The Permittee shall maintain an annual Waste Minimization Report in the Facility Operating Record that will include the following:

I.G.1. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated as required by 40 CFR § 264.75(h);

I.G.2. A description of the changes in volume and toxicity of waste actually achieved during the year covered by the report in comparison to previous years, to the extent such information is available for the years prior to 1984, as required by 40 CFR § 264.75(i); and

I.G.3. The certification signed by the owner or operator of the Facility or his authorized representative, as required by 40 CFR § 264.75(j).

I.H. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the Administrator, his designee, or authorized representative, shall be signed and certified in accordance with 40 CFR §§ 270.11 and 270.30(k) and NAC 444.8632.

I.I. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE ADMINISTRATOR

All reports, notifications, or other submissions which are required by this permit to be sent or given to the Administrator shall be sent by certified mail or hand delivered to:

Administrator  
Nevada Division of Environmental Protection  
333 W. Nye Ln.  
Capitol Complex  
Carson City, NV 89706  
Phone (775) 687-4670

I.J. CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2, the Permittee may claim any information required to be submitted by this permit as confidential. [NAC 444.8632] [40 CFR § 270.12]

I.K. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the Facility the following documents and all amendments, revisions and modifications to these documents as specified by the applicable regulation:

1. Waste analysis plan, as required by 40 CFR § 264.13 and this permit.
2. Inspection schedules, as required by 40 CFR § 264.15(b)(2) and this permit.
3. Personnel training documents and records, as required by 40 CFR § 264.16(d) and this permit.
4. Contingency plan, as required by 40 CFR § 264.53(a) and this permit.
5. Operating record, as required by 40 CFR § 264.73 and this permit.
6. Closure plan, as required by 40 CFR § 264.112(a) and this permit.
7. Post-closure plans, as required by 40 CFR § 265.117, which are approved by NDEP for the

Historic RCRA Closure Units described in Section VII.B. of this permit.